

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Seiji Kubo et al.

Application No.: 10/562,564

Confirmation No.: 8359

Filed: December 27, 2005

Art Unit: 3765

For: Sole With Reinforcement Structure

Examiner: S. M. Prange

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF THE RECORDED TERMINAL DISCLAIMER
AFTER NOTICE OF ALLOWANCE
PURSUANT TO 37 C.F.R. §1.312(VII)(A) and 37 C.F.R. §1.182

Dear Sir:

Applicants respectfully submit herein this petition for withdrawal of the recorded terminal disclaimer in the above-identified application after Notice of Allowance pursuant to 37 C.F.R. §1.312(VII)(A) and 37 C.F.R. §1.182. Applicants needlessly filed a terminal disclaimer on September 1, 2011, which was approved on September 7, 2011, to traverse a provisional, obviousness-type double patenting rejection over co-pending but later-filed Application No. 12/932,084. The Notice of Allowability and Issue Fee Due for the present application was issued on September 22, 2011. However, according to MPEP 804(I)B.1, the obviousness-type double patenting rejection over the later-filed application should have been withdrawn when there were no further grounds for rejection as the later-filed application was still pending. Accordingly, under MPEP 804(I)B.1, no terminal disclaimer was necessary and the recorded terminal disclaimer in the present case should be withdrawn.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4).

Dated: November 17, 2011 Signature: Cecilia Tobin

(Cecilia Tobin)

The petition does not constitute addition of new subject matter to the application nor extends the scope of the claims beyond that which has been previously allowed.

Based on the information presented herein, Applicants respectfully request that this Petition Under 37 C.F.R. §1.312(VII)(A) and 37 C.F.R. § 1.182 be granted in the records of the United States Patent and Trademark Office.

Should the Office of Petitions have any questions concerning the petition, the Office is invited to telephone the undersigned agent of record at the number provided.

Applicants also submit payment of the petition fee set forth in 37 C.F.R. § 1.17(f). While no additional fees are believed due in connection with this filing, the Commissioner is hereby authorized to charge any additional fee that may be due, or credit any overpayment, to Deposit Account No. 50-0311 (Reference No. 42463-503N01US).

Dated: November 17, 2011

Respectfully submitted,

By 

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